Title IX & The Clery Act

Office of the General Counsel
The Clery Act

The Clery Act requires colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information.
The Clery Act: History & Overview

• Signed into law in 1990 as the Student Right-to-Know and Campus Security Act.
• Renamed in 1998 in memory of Jeanne Clery.
• Enforced by the United States Department of Education.
The Clery Act: Obligations

1. Collect, classify, and count crime reports and statistics.
2. Issue campus alerts.
3. Publish an annual security report.
4. Submit crime statistics to the Department of Education.
5. Disclose missing student notification procedures that pertain to students residing in on-campus student housing.
6. Disclose fire safety information related to on-campus student housing.
The Clery Act: Collecting & Reporting

Three categories of crimes:
- Criminal Offenses
- Hate Crimes
- Arrests

Crimes that take place:
- On Campus
- On Campus in Residence Halls
- Non-Campus Buildings
- Public Property
The Clery Act: Collecting & Reporting
The Clery Act: Timely Warnings

University must provide notification to students and employees when the University considers a crime or incident poses an ongoing threat to students and employees.

http://publicsafety.unca.edu/police/crime-alerts

Are you registered for Bulldog Alerts?

https://www3.unca.edu/bulldogalert/
The Clery Act In the News

- Penn State
- Dominican College
The Clery Act: Resources

Visit: http://publicsafety.unca.edu/police/clery-act-crime-reporting

Contact: UNC Asheville Police (24/7)

- Dial 6710 from an on-campus phone
- or (828) 251-6710 to reach the main office
- Visit the main office walk-up window, located in Vance Hall
- Activate any of the emergency phones located in parking areas and along walkways on campus
The Campus SaVE Act

- Signed into law March 2013.
- Mandates fuller reporting of sexual violence to include incidents of domestic violence, dating violence, and stalking.
- Enforced by the U.S. Department of Education.
Title IX

“No person in the U.S. shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
Title IX: Enforcement

- Title IX includes local school districts, colleges and universities, for-profit schools, and some libraries and museums.

- Enforced by the U.S. Department of Education, Office for Civil Rights (“OCR”).
Title IX: Athletics

Three prong test:

• Proportionality
• History and Continuing Practice
• Effectively Accommodating Interests and Abilities
Title IX: Pregnant Students

Colleges and Universities cannot discriminate against students on the basis of:

- Pregnancy
- Childbirth
- False pregnancy
- Termination of pregnancy
- Recovery of the above
Title IX: In the News

- Borough of Manhattan Community College
- Michigan Department of Education
Title IX: Sexual Harassment

Sexual harassment is conduct of a sexual nature that is unwelcome and denies or limits a student’s ability to participate in or receive the benefits, services or opportunities of a school’s programs or activities.

**OCR defines “sexual nature” to be any behavior that is sexually offensive.

Sexual harassment includes sexual violence.
Title IX: What constitutes Sexual Harassment?

Sexual harassment can be conduct that creates a hostile environment either by its:

- Seriousness
- Pervasiveness
Title IX: Duty to Investigate

- University **MUST** have a Title IX Coordinator.
- University **MUST** conduct investigations of complaints that implicate Title IX.
Title IX: Education & Prevention

Universities must take proactive measures to prevent sexual harassment and violence from occurring.

Universities must also ensure that complainants are not subjected to retaliation.
Title IX: In the News

- UNC-Chapel Hill
- University of Connecticut
- University of Montana
- State University of New York
Title IX: Resources

Visit: http://publicsafety.unca.edu/title-ix

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Questions?

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